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## LUNCH WITH FRANK BATTISTI

DAVID F. FORTE<sup>1</sup>

Whenever Frank Battisti telephoned to invite me to lunch, I made sure my afternoon was free of appointments. Everyone knew that the man's legendary loquacity would carry us far beyond the coffee and cream. But I counted that as an opportunity, not a problem. I wanted to leave myself time for the moral and legal education I was about to receive.

Judge Frank Battisti's easy smile came from a soul grounded in the certainties of right and wrong. A liberal of the old order, Judge Battisti could not understand those conservatives who did not see the harm that segregative policies left on Cleveland's school children. He could not fathom those liberals whose relativistic social ideas equally harmed those same children. For Frank Battisti, justice was of one piece, bred of a truth that was enduring.

And so our lunches would go, from case law to philosophy to witty anecdotes, while I reveled in the man's humanity. He was teacher, and I, the professor, was the student. Always careful to avoid issues that were before him or could return to him, like the Demanyuk appeal, the judge nonetheless discoursed expansively upon the judicial structure, principles of federal jurisdiction, the court's equity powers, old-fashioned ward politics, educational theories, ideas of justice, and the role of the judge. The air sparkled with his erudition and practical wisdom.

There was a constant celebration of life about Frank Battisti. Despite health problems, his intense joy at living never flagged. Nearly every sentence was graced by a smile and punctuated with a chuckle. He loved jokes, even those that were good-naturedly at his expense, and his friends—there were many—were not averse to supplying them.

Once, a friend of his related to me, a van load of Battisti's fishermen were winding around the back roads of Montana looking for a likely trout stream. They came across one located but a few hundred yards from a farm house. They drove up to the farm house where they could see the owner working out in front.

"Now don't tell him who I am," Frank cautioned the driver. "We're just a group of fishermen." The van drove up the path to the farmer and the request was made for permission to fish his stream.

"Sorry," the farmer said. "I don't let anyone fish that stream. I want to leave it just as it is." It was now evident to all within the van that this must be one humdinger of a trout stream, and the owner was keeping it all to himself.

Further entreaties were made. The man stood his ground. Finally, Frank Battisti lost his patience, and rolled down his window. "Sir," he said. "My name is Frank J. Battisti, and I am Chief Judge of the federal District Court for the

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Northern District of Ohio, and I would count it as a personal favor if you would allow us to use that stream."

"Mister," the farmer replied, "I don't care who the heck you are. If you were the President of the United States, I'd still say no. You can now get off my property." At that, the rest of the van broke into applause and cheers.

Frank loved Montana, where he found the peace and contentment that only a fisherman knows. And it was there that, tragically, he was felled by his last illness.

Frank Battisti was a catholic Catholic. He was as at home with the philosophy of St. Thomas Aquinas as he was with Mahoning County politics. A deeply pious and devotional man, he possessed an uncontrived respect and affection for those with differing religious traditions. He experienced God's love in his own religion, and easily gave it to others who came to know him. He was always in the swirl of racial, judicial, and international politics, yet he tried not to prejudice the motives of those he conflicted with. He prayed on that, he told me.

As an acolyte at St. John's Cathedral, I would often distribute Communion during Sunday Mass. Frank Battisti and his wife Gloria would almost always be there, and would approach the altar steps together. The last time I had contact with Frank Battisti, I placed the Host on his tongue.

The Sunday after his funeral, I was once again serving at Mass. As the line of communicants shuffled up the aisle towards me to receive the Eucharist, Gloria Battisti appeared, alone.